



LOUISIANA STATE LAW INSTITUTE

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May 6, 2024

Representative Phillip R. DeVillier
Speaker of the House of Representatives
P.O. Box 94062
Baton Rouge, Louisiana 70804

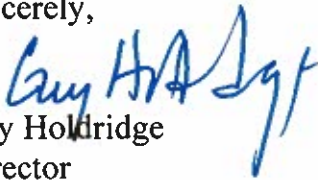
Senator Cameron Henry
President of the Senate
P.O. Box 94183
Baton Rouge, Louisiana 70804

**RE: HOUSE CONCURRENT RESOLUTION NO. 102 OF THE 2018 REGULAR
SESSION**

Dear Mr. Speaker and Mr. President:

The Louisiana State Law Institute respectfully submits its report to the legislature relative to the classification of modular homes.

Sincerely,


Guy Holdridge
Director

GH/pc

Enclosure

cc: Senator Jean-Paul Coussan

email cc: David R. Poynter Legislative Research Library
drplibrary@legis.la.gov

Secretary of State, Ms. Nancy Landry
admin@sos.louisiana.gov

**LOUISIANA STATE LAW INSTITUTE
PROPERTY COMMITTEE**

**REPORT IN RESPONSE TO HOUSE CONCURRENT
RESOLUTION NO. 102 OF THE 2018 REGULAR SESSION**

Relative to the classification of modular homes

Prepared for the
Louisiana Legislature on

May 6, 2024

Baton Rouge, Louisiana

LOUISIANA STATE LAW INSTITUTE PROPERTY COMMITTEE

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2018 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 102

BY REPRESENTATIVE COUSSAN

A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to study provisions of law on property in order to make recommendations regarding the classification of modular homes as movable or immovable property, and to develop the legal procedure for their attachment to land, and securing them as loan collateral, and to report its findings to the Louisiana Legislature no later than February 1, 2019.

WHEREAS, a modular home by definition is different and distinct from a manufactured home and a mobile home; and

WHEREAS, modular homes, like mobile homes and manufactured homes, are sold and located on property, and the property upon which a modular home is located may or may not be owned by the owner of the modular home; and

WHEREAS, state laws have not been updated to provide for how and when modular homes are classified as either titled movable property or immovable property, and specifically, R.S. 9:1149.3 provides for the immobilization of manufactured homes and mobile homes, but does not clearly address the immobilization of modular homes; and

WHEREAS, it is important to modular home purchasers, sellers, and lenders that the laws clearly provide the process in which modular homes are secured by a lender's mortgage or security interest in order to facilitate the financing of purchases.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the Louisiana State Law Institute to study provisions of law in order to make recommendations regarding the classification of modular homes as movable or immovable property, and to develop the legal procedure for their attachment to land and securing them as loan collateral, and to report its findings and recommendations to the Louisiana Legislature no later than February 1, 2019.

BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby urge and request the Louisiana State Law Institute to include representatives of the office of motor vehicles, the Louisiana Clerks of Court Association, the Louisiana Manufactured Housing Association, the Louisiana Bankers Association, the Louisiana Association of Independent Land Title Agents, and the Louisiana Land Title Association, to the extent not already included in the study group.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the director of the Louisiana State Law Institute.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

May 6, 2024

To: Representative Phillip R. DeVillier
Speaker of the House of Representatives
P.O. Box 94062
Baton Rouge, Louisiana 70804

Senator Cameron Henry
President of the Senate
P.O. Box 94183
Baton Rouge, Louisiana 70804

**REPORT TO THE LEGISLATURE IN RESPONSE TO HOUSE CONCURRENT
RESOLUTION NO. 102 OF THE 2018 REGULAR SESSION**

House Concurrent Resolution No. 102 of the 2018 Regular Session urged and requested the Louisiana State Law Institute to study provisions of law on property in order to make recommendations regarding the classification of modular homes as movable or immovable property and to develop the legal procedure for their attachment to land and securing them as loan collateral. In fulfillment of this request, the Law Institute assigned this project to its Property Committee, which operates under the direction of Professor Sally Brown Richardson as Reporter.

The Committee studied the differences and distinctions among the legal definitions of modular homes, manufactured homes, and mobile homes as well as the applicability of existing provisions of Louisiana law to some, but not all, of these types of property. After consultation with representatives from the Clerks of Court Association, the Louisiana Manufactured Housing Association, the Louisiana Land Title Association, the Louisiana Office of Motor Vehicles, and the Louisiana Bankers Association concerning the classification of modular homes, the Law Institute determined that modular, manufactured, and mobile homes should all be treated the same for purposes of classification because having different systems could cause issues for creditors.

After extensive discussions, the Law Institute recommends retaining the default classification of factory-built homes as movables and providing the ability to immobilize so that these homes may be secured as loan collateral. The proposed revisions also maintain current law providing for third-party rights in the factory-built home at the time of immobilization and deimmobilization.

The Law Institute submitted its proposals concerning the classification of factory-built homes to the Legislature, and these recommendations were introduced as Senate Bill No. 63 of the 2024 Regular Session.